

# **EXHIBIT 2**

**In The Matter Of:**  
*Juice Entertainment, LLC v.*  
*Live Nation Entertainment*

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*Alan Sacks*  
*July 18, 2013*

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1 and told you that they had done the event that they  
2 had done the prior year -- you know what, let me ask  
3 a different question.  
4 A. Sure.  
5 Q. I don't know if you told me this and  
6 if you did I apologize. You were talking about  
7 June 25th, 26th and 27th?  
8 A. Yes.  
9 Q. What year was that?  
10 A. I believe it was three years ago, not  
11 this summer but the previous summer.  
12 Q. 2011?  
13 A. 2010. Sorry.  
14 Q. 2010 it was?  
15 A. The summer of 2010. It was two years  
16 ago, correct? Am I getting my year right?  
17 Q. I can show you some documents if it  
18 will help.  
19 A. If you need to know the exact --  
20 Q. If it will refresh your memory.  
21 A. It wasn't this summer. It was the  
22 previous summer.  
23 Q. Why don't we help him with that?  
24 A. Give me a calendar.  
25 Q. I am going to hand to you and ask you

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1 to look at two documents that were provided to us by  
2 another party in this case in the discovery process.  
3 The first one I will mark as Sacks-1.  
4  
5 (Exhibit Sacks-1 was marked for  
6 identification.)  
7  
8 Q. This is a one-page document that has  
9 Bates 1450. And the second document we will mark as  
10 Sacks-2.  
11  
12 (Exhibit Sacks-2 was marked for  
13 identification.)  
14  
15 Q. This is Sacks-2. It has Bates Numbers  
16 Juice 106 through 111. The way this will work is  
17 you should take as much time as you reasonably need  
18 to look at the documents and then I am going to ask  
19 you some questions about them. Have you ever seen  
20 these documents before?  
21 A. I have.  
22 Q. What are they?  
23 A. This is a joint venture agreement.  
24 Q. And "this" is Sacks-2 that you are  
25 holding?

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1 A. I'm sorry. Yes.  
2 Q. It is a draft joint venture agreement?  
3 A. Correct.  
4 Q. And what is Sacks-1?  
5 A. The same, just a shorter -- I guess  
6 more of a Letter of Intent. It is like a shortened  
7 version of this document I guess. I'm not really  
8 sure.  
9 Q. All right.  
10 A. The dates don't jive though.  
11 Q. The first document, Sacks-1, if you  
12 look half way, maybe two-thirds of the way down the  
13 document, the document first identifies a number of  
14 individuals and then describes that these  
15 individuals will be staging and promoting a two-day  
16 electronic dance music festival to be held at the  
17 State Fair Meadowlands. The dates will be June  
18 25th, 2011 and June 26th, 2011. Did I read that  
19 correctly?  
20 A. Yes.  
21 Q. Does that help you remember the date  
22 of the event that you were involved in?  
23 A. Well, I remember the date. The thing  
24 was, this was not actually set in stone. It was  
25 tentatively the 25th and 26th, but the 27th was also

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1 a possibility. That's why I mentioned that, based  
2 upon availability of talent.  
3 Q. The year was 2011?  
4 A. Correct.  
5 Q. And when Mr. Dorfman initially  
6 approached you he was talking about an event that he  
7 and Mr. Barrett had done the prior year?  
8 A. The prior year, yeah.  
9 Q. That would have been 2010?  
10 A. Correct.  
11 Q. What did he tell you about that event  
12 from 2010?  
13 A. That it didn't go very well. It was a  
14 style of music that they weren't accustomed usually  
15 to promoting and, you know, that they did the right  
16 thing and paid everybody what they owed them. And  
17 the owner of the venue, AI, would be happy to do  
18 another event and they really wanted to kind of step  
19 their promotion and their production of the event up  
20 and book some bigger talent and extend that to two  
21 days or three days, depending on availability of  
22 talents.  
23 Q. When do you recall being approached to  
24 participate?  
25 A. Probably the first call some time it



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1 was probably a year before this. It took some time  
 2 for us to kind of get to a point where we could  
 3 actually talk about doing a deal. I guess they were  
 4 talking with the Meadowlands -- with Al Dorso, so  
 5 probably, you know, 11 to 12 months before the  
 6 actual date of the event.  
 7 Q. So you think it is possible it was  
 8 June 2010?  
 9 A. Around there when we first started  
 10 talking about it.  
 11 Q. How soon after the 2000 event do you  
 12 think you were contacted?  
 13 A. I'm sorry. Say that again.  
 14 Q. Right. So Mr. Dorfman and Mr. Barrett  
 15 were involved in an event in 2010 that, according to  
 16 them, was not successful and they wanted to step up  
 17 their game --  
 18 A. Correct.  
 19 Q. -- for the next event?  
 20 A. Right.  
 21 Q. Do you know how soon after the 2010  
 22 event they reached out to you to try to plan for the  
 23 2011 event?  
 24 A. Maybe a month, a month or two.  
 25 Q. I don't want you to guess. If there's

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1 a way you can --  
 2 A. I would probably say a month after  
 3 that event. The first conversation happened at that  
 4 point.  
 5 Q. Okay. And what happened next with  
 6 respect to your involvement in this project?  
 7 A. I think Tommy reached out to me about  
 8 getting involved with the event. I had obviously  
 9 had a lot of questions about what had happened the  
 10 previous year, just to make sure I wasn't walking  
 11 into a situation.  
 12 Yeah, we started talking about  
 13 tentative lineups, what my relationships were to  
 14 certain artists that they were interested in and how  
 15 we could go about that. Then obviously we started  
 16 talking about funding sources. Somebody has to pay  
 17 for all of this, you know.  
 18 Q. I am going to have a bunch of follow-  
 19 up questions about those subjects.  
 20 A. Sure.  
 21 Q. The first subject you described was  
 22 that you had a lot of questions about the 2010 event  
 23 because you didn't want to walk into something  
 24 unaware?  
 25 A. Correct.

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1 Q. So can you summarize your discussions  
 2 about that prior event?  
 3 A. Yes. It was pretty simple. It was  
 4 actually -- I believe that conversation was with  
 5 Chris. I believe Chris actually produced that event  
 6 and brought Tommy in to help at the end of it. I  
 7 think it was Chris's event. I spoke with him about  
 8 it. He said that it was a style of music that they  
 9 weren't really accustomed to promoting.  
 10 Q. What was that style?  
 11 A. It is called Regaetone. It is kind of  
 12 a cross between Latin music and pop, reggae if you  
 13 will, it is kind of a new genre. A lot of promoters  
 14 do well with that genre of music. They sell a lot  
 15 of tickets for some of those events.  
 16 I had never worked with Chris before.  
 17 He said "I'm a good guy. I paid everyone." That's  
 18 why we lost -- he thought the venue wanted to work  
 19 with him again because they were standup guys in  
 20 regard to that. They wanted to produce this event  
 21 next summer. The state fair typically happens the  
 22 last week of June, first week of July every year.  
 23 It was kind of easier to hone in on talent but we  
 24 needed to get that processing sooner than later.  
 25 Q. I think the second thing you said you

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1 were discussing, the second subject, was who knew  
 2 what in the industry as far as talent goes. Did I  
 3 recall that correctly?  
 4 A. Yes. They asked me.  
 5 Q. What did you discuss on that subject?  
 6 A. Just possibilities of talent that I  
 7 had either booked before or just, you know, certain  
 8 artists that I thought would work in that area, New  
 9 Jersey region, and maybe none of us had worked with  
 10 before but we could definitely approach because of  
 11 the venue.  
 12 Q. Do you recall anything specific about  
 13 those discussions?  
 14 A. In regards to?  
 15 Q. Talent.  
 16 A. The type of talent?  
 17 Q. Yes, the type of talent.  
 18 A. Yes, we talked about Tiesto. I mean,  
 19 do you want to know the names of some of the  
 20 artists?  
 21 Q. Anything you can remember.  
 22 A. Sure. Some of the artists I've worked  
 23 with in the past, Danny Tenaglia, Jeff Mills. I am  
 24 giving you a list. There's probably 100 artists  
 25 there. They range from what we like to call C level



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<p style="text-align: right;">Page 21</p> <p>1 artists all the way up to A list artists.</p> <p>2 Q. Did you talk about what kind of mix</p> <p>3 between A, B and C list artists you would want to</p> <p>4 have for the event?</p> <p>5 A. Yes. Well, of course, that's based on</p> <p>6 funding, right. You can ask to book someone that's</p> <p>7 \$1 million but you have to have the funds in place</p> <p>8 to pay for that artist. My conversation always</p> <p>9 starts with how much do we have to work with, you</p> <p>10 know, and ticket pricing and various things go into</p> <p>11 an offer for an artist, right.</p> <p>12 So these are the questions I was</p> <p>13 asking them initially, how much do we have to work</p> <p>14 with. What's the budget.</p> <p>15 Q. And, in fact, that leads me into the</p> <p>16 third subject that you told me -- that I recall you</p> <p>17 telling me you discussed with them during this</p> <p>18 initial phase, which was funding.</p> <p>19 A. Correct.</p> <p>20 Q. What did they tell you about funding</p> <p>21 for the event?</p> <p>22 A. That they had another gentleman that</p> <p>23 they were working with named John Sandburg that was</p> <p>24 going to provide \$300,000 in financing, kind of like</p> <p>25 startup money or seed money for the event. They</p>	<p style="text-align: right;">Page 23</p> <p>1 A. I don't recall his name. They weren't</p> <p>2 very open about who this investor would be. It</p> <p>3 wound up not coming through. I immediately started</p> <p>4 to talk to people that I knew about investing in the</p> <p>5 event. Vito Bruno obviously is named in this, I</p> <p>6 thought would be a great funding source for that.</p> <p>7 Q. Do you recall anything else about the</p> <p>8 initial discussions concerning funding, other than</p> <p>9 what we've discussed?</p> <p>10 A. Yes. Well, one of the problems with</p> <p>11 that initial \$300,000 was they had -- I guess John</p> <p>12 Sandburg had a relationship with somebody through</p> <p>13 his -- he coaches basketball at Rutgers, children,</p> <p>14 and one of the fathers had a relationship with one</p> <p>15 of the major recording artists, supposedly Drake,</p> <p>16 who is a hip hop artists.</p> <p>17 One of the things they said to us at</p> <p>18 the Meadowlands is one of the things I wanted to</p> <p>19 stay away from, was that genre of music. They have</p> <p>20 a big hip hop event that they do every summer called</p> <p>21 Summer Jam which does, like, 60,000, urban style</p> <p>22 music performers. That was the one genre we</p> <p>23 couldn't touch.</p> <p>24 When they called me Friday late</p> <p>25 afternoon from the bank saying they were going to</p>
<p style="text-align: right;">Page 22</p> <p>1 would be engaging with some other investors to kind</p> <p>2 of go the rest of the way, if you will, with the</p> <p>3 budget.</p> <p>4 Q. What did you discuss what the overall</p> <p>5 budget would be for talent?</p> <p>6 A. Yes, of course.</p> <p>7 Q. What was discussed?</p> <p>8 A. It was somewhere between -- well,</p> <p>9 again, it depended on how many days that we ended up</p> <p>10 doing and availability of talent, right, because</p> <p>11 some of these guys are not so available on Fridays</p> <p>12 and Saturdays as they are on a Sunday, per say.</p> <p>13 Even those fees on Sundays may change because it is</p> <p>14 not like what we call a prime day.</p> <p>15 The budgets were somewhere between</p> <p>16 \$1,600,000 and \$3 million depending, again, on what</p> <p>17 type of lineup we were able to solidify.</p> <p>18 Q. How specific did you ever get in terms</p> <p>19 of where the remaining \$1.3 million to \$2.7 million</p> <p>20 would be coming from, other than Mr. Sandburg's</p> <p>21 initial \$300,000?</p> <p>22 A. Tommy and Chris had a relationship</p> <p>23 with a club owner here in New Jersey that seemed</p> <p>24 very interested in funding the rest of the project.</p> <p>25 Q. Who is that?</p>	<p style="text-align: right;">Page 24</p> <p>1 wire this half, this \$300,000 to somebody who we had</p> <p>2 not looked at their contract or vetted, who they</p> <p>3 were, as an agent or as an affiliate or not, they</p> <p>4 wired half the seed money to a gentleman in Atlanta.</p> <p>5 I believe it wound up being a fraudulent contract.</p> <p>6 He didn't represent the artist.</p> <p>7 So within, I don't know, two weeks of</p> <p>8 having possession of the seed money in less than</p> <p>9 14 days they had lost half of it. It was a major</p> <p>10 concern obviously.</p> <p>11 One of my roles here was talent</p> <p>12 acquisition, to look and vet these contracts and</p> <p>13 engage with the agents to see if these people are</p> <p>14 real, you know.</p> <p>15 Q. What role was Drake going to even play</p> <p>16 in this event?</p> <p>17 A. I think John Sandburg took that</p> <p>18 initiative with Tommy and Chris on their own. I</p> <p>19 think they were very anxious about getting somebody</p> <p>20 booked. He's one of the biggest recording artists</p> <p>21 that year, won best new artist that year. He would</p> <p>22 have sold a lot of tickets. It was against what was</p> <p>23 advised to us from the venue. I didn't really</p> <p>24 understand why. I mean, I get the ticket sales, why</p> <p>25 it would be a successful event, but it went against</p>





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1 everything that we do. I don't really do those  
2 types of shows. My shows are more dance music, DJ  
3 driven dance music events. For me, it didn't make  
4 sense, the genres like that crossing.  
5 Q. Do you know whether efforts were made  
6 to recover the \$150,000 that was wired to the agent  
7 who claimed to be the booker for Drake but who  
8 actually wasn't?  
9 A. Yes, I actually helped him with that,  
10 a gentleman by the name of John Lebrowski. He's a  
11 private investigator. I believe John Sandburg paid  
12 him a deposit to, you know, find out -- o track down  
13 what had happened with this money and who these  
14 individuals were. He just kind of disappeared on  
15 him.  
16 Q. Do you know whether the money was ever  
17 recovered?  
18 A. No.  
19 Q. You don't know or it wasn't recovered?  
20 A. It wasn't -- well, they told me it  
21 wasn't recovered. Do I know if it was recovered for  
22 sure, no, I'm not really sure.  
23 Q. Okay.  
24 A. I know Mr. Lebrowski had not turned up  
25 anything other than that it had gone through a

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1 couple of different state lines. And he advised  
2 Tommy and Chris and John to talk to the FBI.  
3 Q. Do you know whether they did that?  
4 A. I believe Chris told me they did. I  
5 guess he was saying the FBI was saying it was an  
6 insignificant amount of money and they had other  
7 fish to fry. It just didn't go anywhere.  
8 Q. Now, after your initial discussions  
9 with Mr. Barrett and Mr. Dorfman about becoming  
10 involved in the event, did you enter into any  
11 agreement with them and perhaps others to pursue the  
12 event?  
13 A. Yes. It was a verbal agreement at  
14 first because one of the issues we kept running into  
15 or that I kept running into was they couldn't  
16 produce the land lease agreement with the  
17 Meadowlands. So what would happen was when I would  
18 start to engage with agents they would say to me,  
19 you know, this event sounds great. We would like to  
20 see your lease if you are going to book an artist  
21 that is \$500,000 for the day for a two, three-hour  
22 performance, you know, these agents want to know  
23 that you are dealing some place and it is real and  
24 if I am claiming that we are going to be able to  
25 repeat years with these agents that were going to be

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1 there for a long-term project they wanted to see  
2 that in writing.  
3 One of the problems I kept coming into  
4 with them was they couldn't produce the land lease  
5 agreement with the Meadowlands, including my name on  
6 that lease with them, that would bring me along with  
7 them for the years to follow. It was a bit of a  
8 brick wall, you know.  
9 Q. How was that overcome if at all?  
10 A. What was going to happen was I figured  
11 I would bring Vito Bruno into the mix. He would  
12 help with financing and had great credibility with  
13 other agents that I don't work with. Vito has been  
14 doing this for probably 30 plus years. He would add  
15 a lot of credibility, I thought, to the other side  
16 of what we were trying to do. And it never  
17 happened. We never got the land lease. I never saw  
18 it.  
19 Q. Now, looking at the documents that we  
20 marked as Sacks-1 and Sacks-2, to me they look like  
21 they are drafts of agreements that include  
22 Mr. Barrett, Mr. Dorfman, you, Vito Bruno, John  
23 Dimatteo and Brian Arteca.  
24 The question is did you ever enter  
25 into any written agreement along the lines of

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1 Sacks-1 and Sacks-2 with these gentlemen?  
2 A. Well, I couldn't. One of the things  
3 that we had talked about was I needed for them,  
4 before we even got to this, to the joint venture  
5 agreement, was to produce the land lease. What are  
6 we agreeing on if we don't have a deal to do an  
7 event. What are we agreeing on. That was my thing.  
8 I think Vito felt the same way. Let's  
9 see the lease that you guys have a deal in place and  
10 we can talk about doing a joint venture and things  
11 like that.  
12 Q. These are drafts?  
13 A. Correct.  
14 Q. You never signed any final agreement  
15 in connection with this event?  
16 A. Correct.  
17 Q. Did you have a verbal agreement with  
18 Mr. Dorfman, Mr. Barrett, Mr. Bruno, Mr. Dimatteo  
19 and Mr. Arteca concerning this event? And by "this  
20 event" I don't want there to be any confusion. So  
21 if I refer shorthand to "this event" will you  
22 understand me to mean the electronic dance music  
23 event to be held at the State Fair Meadowlands June  
24 25th, 26th and/or possibly the 27th in 2011?  
25 A. Yes.



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<p style="text-align: right;">Page 33</p> <p>1 A. The exact date?</p> <p>2 Q. Well, if you knew the exact date I</p> <p>3 would appreciate it.</p> <p>4 A. I don't know the exact date. I think</p> <p>5 there was a lot of ideas of we will be able to do</p> <p>6 this next year, so that exact date is very foggy to</p> <p>7 me at the moment. I would probably say two months</p> <p>8 before the event was supposed to happen. I mean,</p> <p>9 there reaches a certain point where you know you are</p> <p>10 marketing and promotions and bookings aren't going</p> <p>11 to happen. There's not enough time. The people are</p> <p>12 booked and the marketing is the process, right, so</p> <p>13 that's why we talk about it a year in advance.</p> <p>14 Q. So roughly April 2011 you were no</p> <p>15 longer --</p> <p>16 A. Pretty much there's no way you can</p> <p>17 pull the event off at that point anyway.</p> <p>18 Q. So can you -- I am going to ask a</p> <p>19 broad two-part question.</p> <p>20 A. Okay.</p> <p>21 Q. If it is too broad and I have to break</p> <p>22 it down, let me know. I'm not trying to be</p> <p>23 difficult. I'm trying to get the information from</p> <p>24 you.</p> <p>25 (Whereupon, there was a brief recess</p>	<p style="text-align: right;">Page 35</p> <p>1 or three-day event the following summer and if I can</p> <p>2 get involved with them and help them acquire talent</p> <p>3 and help out producing the event and be a part of</p> <p>4 the process.</p> <p>5 I immediately agreed to do that</p> <p>6 because I knew Tommy to be someone of good stature,</p> <p>7 a good promoter especially in New Jersey. He had</p> <p>8 done some pretty good nightclub events that were</p> <p>9 very successful and I had worked with him in the</p> <p>10 past and he had a good reputation in New Jersey for</p> <p>11 doing these type of nightclub shows.</p> <p>12 I met up with them and we talked about</p> <p>13 how we would work together, what the deal was, what</p> <p>14 they were offering me, you know, was I coming in as</p> <p>15 a consultant, did they want to hire me, did they</p> <p>16 have funding, like I talked to you before about.</p> <p>17 And they didn't have funding at that point but they</p> <p>18 had someone, another person they were going to bring</p> <p>19 in, another person named John Sandburg that was</p> <p>20 going to be involved with them on their side, either</p> <p>21 as a consultant or partner. I didn't know at that</p> <p>22 point. It was all new -- as a consultant.</p> <p>23 But I met with John and Chris again</p> <p>24 another time and John had said that he would be able</p> <p>25 to provide seed money, startup money for the event</p>
<p style="text-align: right;">Page 34</p> <p>1 taken.)</p> <p>2 MR. MARX: Back on the record.</p> <p>3 Q. Let me know if the question is too</p> <p>4 broad and we can break it down.</p> <p>5 What I would like you to explain to us</p> <p>6 is a summary of what happened in connection with the</p> <p>7 event from the time you became involved until the</p> <p>8 time you stopped working on it, at some point in</p> <p>9 April of 2011. The second part would be if you are</p> <p>10 able to identify who was doing what during the</p> <p>11 process. Did you understand that question?</p> <p>12 A. So you want me to tell you how things</p> <p>13 transpire from when I first was engaged with Tommy</p> <p>14 and Chris until the event and when we decided that</p> <p>15 the event was a no go?</p> <p>16 Q. Yes.</p> <p>17 A. Yes.</p> <p>18 Q. Yes.</p> <p>19 A. That's not that broad of a question.</p> <p>20 What time is it? Oh, boy. Well, okay. So like I</p> <p>21 said before, I got contacted by Tommy to help them</p> <p>22 produce this event at the Meadowlands. They</p> <p>23 informed me that they had done a previous year that</p> <p>24 had not met with great success but they had good</p> <p>25 standing with the venue and wanted to produce a two</p>	<p style="text-align: right;">Page 36</p> <p>1 and that they had another investor interested in</p> <p>2 working with them that owned a nightclub here in New</p> <p>3 Jersey. I'm not sure of the gentleman's name, but</p> <p>4 he would be able to provide the rest of the</p> <p>5 financing up to whatever we needed basically to do</p> <p>6 this event because, again, my concern was they had</p> <p>7 not really done a festival of that size and maybe</p> <p>8 didn't understand what the financial repercussions</p> <p>9 were of doing an event of that size.</p> <p>10 Immediately I said this could be a \$3</p> <p>11 million event. It was not a problem. It seemed</p> <p>12 like the funding wouldn't be hard for them to</p> <p>13 obtain.</p> <p>14 So based on that meeting we decided</p> <p>15 that we would work together, that there would be a</p> <p>16 partnership between us to do this because my</p> <p>17 billable hours they probably wouldn't be able to</p> <p>18 afford that based on nine months or a year of work</p> <p>19 that would have to be done. It made sense for us to</p> <p>20 kind of work together. At the end of it I saw the</p> <p>21 potential earning of the festival and of course I</p> <p>22 wanted to be part of that. It made sense to me. It</p> <p>23 is kind of where I wanted to be anyway in that</p> <p>24 industry, if you will. So maybe about a month later</p> <p>25 John was able to come up with \$300,000 investment</p>



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1 savvy in the entertainment business, but when he  
2 sees a good deal he likes to be involved. There's a  
3 lot of money involved on these days. For him to put  
4 up proof of funds I don't think was a big deal but  
5 to pull the trigger and give us \$2 million, that's a  
6 conversation that probably would never have taken  
7 place. It would have a quick phone call "I'm not  
8 doing that."

9 Again, John Sandburg had went and met  
10 with this gentleman without my knowledge. God knows  
11 what was said at that meeting, what promises or  
12 whatever.

13 Again, nothing happened. So even with  
14 the proof of funds being brought to the Meadowlands  
15 the lease was -- there was never a lease produced.  
16 Do you know what I mean? It is the problem that  
17 kept coming up, you know. We can get to a point  
18 with an agent. I would get on the phone with an  
19 agent. They were interested. They would say "Where  
20 is the lease. What is your lease looking like. How  
21 long are you there for."

22 Q. Well, you and Mr. Bruno and  
23 Mr. Dimatteo and Mr. Potter were involved at some  
24 point in trying to acquire talent for the project,  
25 correct?

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1 A. Correct, sure.

2 Q. Did you split up areas of  
3 responsibility for acquiring talent in any way, or  
4 was it a coordinated effort, or were you each on  
5 your own as far as who to reach out to?

6 A. There was some coordinated effort.  
7 Primarily that effort came between myself, Paul  
8 Potter and Vito and John. Chris and Tommy, you  
9 know, I would tell them I think it would be best if  
10 you guys didn't interface with our -- well, artist,  
11 yes, that's one thing. If you know a particular  
12 artist and he's your friend, feel free to call that  
13 person up.

14 Like I told you, one of the things  
15 that we don't like to do is, you know, engage with  
16 an agency where five or six offers are coming on  
17 from the same group. It just looks very unorganized  
18 and sometimes those offers -- some are lower. Some  
19 higher. It is kind of a chess game when you do  
20 bookings and you acquire talent acquisition, right.

21 So I told Tommy and Chris let us  
22 handle that because we have the history with that.  
23 If you look at Tommy and Chris' history as far as  
24 events, they've done a lot of nightclub stuff and  
25 booked some artists, but the level of talent we were

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1 talking about was a couple steps above them. I  
2 think they were okay with that, you know.

3 I know there was some meetings at Live  
4 Nation that had happened with Tommy and Chris. They  
5 took that initiative on their own to do that, which  
6 was fine with me. It didn't hurt what we were  
7 trying to do. I think at that point they were maybe  
8 a little nervous about even Vito coming through with  
9 the money. I think maybe they were looking to do  
10 this joint venture -- would have been written a  
11 little differently. I think it may have said Live  
12 Nation on it.

13 My opinion, I think they were talking  
14 to them about maybe producing or co-producing this  
15 event with them and concerns that, you know, the  
16 lease was hanging over our heads. They needed  
17 somebody to come in and sign a check to get this  
18 lease executed.

19 Q. In terms of talent acquisition, was  
20 there a particular area that you were responsible  
21 for, that Mr. Dimatteo was responsible for, that  
22 Mr. Bruno was responsible for and Mr. Potter  
23 responsible for?

24 A. No. I think that was a collective  
25 effort but it was more based on relationships. We

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1 talked about -- you know, John and I talked about,  
2 all right, so you know someone at William Morris. I  
3 know someone at A.M. Only. I know this particular  
4 artist or DJ.

5 I know he had certain relationships,  
6 John Dimatteo, and I asked him to engage with those  
7 people to see what the level of interest was.  
8 Again, we could only go so far because of two very  
9 important factors; the funding, obviously, and then  
10 the lease agreement which was my biggest concern.

11 I kind of felt like if the lease was  
12 in place I could take that to an investor and say  
13 look, we have a five-year deal here with a potential  
14 of a five-year option and engage with investors like  
15 that. I even offered that to them. We were  
16 never -- they were never able to produce that  
17 document to me. It just kind of stopped after  
18 awhile. I just kind of stopped after awhile.

19 Q. Have you finished telling me  
20 everything you can recall from the beginning to when  
21 you stopped working?

22 A. Well, I will tell you this. I had a  
23 15-year relationship with Paul Potter that was  
24 completely ruined over this whole situation. His  
25 interaction with Tommy and Chris cost me a 15-year





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1 industry relationship that I valued way beyond  
2 almost anyone on this document, excluding Vito.  
3 I've known Vito since I'm 20 years  
4 old. They just kind of gave Paul a lot of  
5 misdirection as far as where the event was and where  
6 we really were at the end of the day. So there was  
7 a lot of conversations that happened between Tommy  
8 and Chris and Paul via a phone call and then I would  
9 get a phone call the next day saying these guys are  
10 telling me one thing. Is the funding in place.  
11 Where are we with the money. He was getting  
12 pressure on his side to produce the lease for this  
13 event. He would call certain agents in Europe that  
14 he may know worldwide exclusively on certain artists  
15 or DJ's. I would put that to Paul. He would come  
16 back to me and say I think I can get this done for  
17 you, but I'm not really feeling comfortable with  
18 this. We need some funding in place and, more  
19 importantly, we need this lease. Paul also knew  
20 that I had people that I could talk to potentially  
21 about investing in this.  
22 I haven't spoken to Paul probably now  
23 for two and-a-half years now, two and change, two  
24 years since this event, since this happened.  
25 Q. Why did Paul hold things against you?

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1 A. There was a lot of time put on this, a  
2 lot of effort on Paul's behalf where at the end of  
3 the day I don't know if you work with people from  
4 the U.K. a lot. There is a slang word. Anyway, he  
5 basically said I wasted his time and a lot of his  
6 connections were used in conjunction with this event  
7 and then nothing, just nothing happened. It was an  
8 insult to him as a professional. I asked him to do  
9 a lot of favors for us, for the group, you know, to  
10 get this thing done. It never happened. I think  
11 some of the dialogue that happened even with John  
12 Sandburg again and him there was a little bit of  
13 lying going on between them.  
14 I just don't have the time for that,  
15 you know. I was busy doing what I do to survive and  
16 also in conjunction, you know, pulling this event  
17 offer with a consideration as a partner but not  
18 receiving any hourly rate or anything like that. I  
19 dedicated a lot of time to this project and so did  
20 all of my resources, Paul being one of them.  
21 Q. Why was the project unsuccessful?  
22 A. Well, it was underfunded. And, in my  
23 opinion, there was no lease to be produced. Without  
24 a proper lease and without funding, that's just my  
25 opinion, you know. I know there was definitely some

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1 dialogue between Chris and Tommy and the folks over  
2 at Live Nation. I wasn't there for those meetings.  
3 I don't know what was discussed there. I think at  
4 the end of the day for them maybe that was the last  
5 kind of the Hail Mary, if you will, if we can get  
6 these guys involved maybe we can actually pull this  
7 event off.  
8 I think Vito got to a point with them  
9 where, you know, he didn't see a lease. How are you  
10 going to invest in something if there's no  
11 exclusive. Somebody could have just came in and did  
12 this next year, even if we agreed to a one-time  
13 event there. I don't think it was something they  
14 were interested in.  
15 Q. Did you ever meet with anybody from  
16 Live Nation in connection with this event?  
17 A. No.  
18 Q. Did you ever speak with anybody at  
19 Live Nation with respect to this event?  
20 A. No. Why would I? They do what I do.  
21 Q. Do you have an understanding as to  
22 what was discussed between Mr. Dorfman and  
23 Mr. Barrett and anybody from Live Nation concerning  
24 this event?  
25 A. Well, Tommy and Chris had told me that

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1 they felt that some of the complications we were  
2 having with booking talent had come from Live Nation  
3 maybe putting the brakes on or offering different  
4 dates for artists that we were going after. Again,  
5 I don't know who or what artist they were discussing  
6 with them because I wasn't there. They didn't talk  
7 to me about that.  
8 Q. Do you have any knowledge of any  
9 actions that Live Nation took that prevented talent  
10 from being acquired in connection with this event?  
11 A. No.  
12 MR. MARX: Sacks-3.  
13  
14 (Exhibit Sacks-3 was marked for  
15 identification.)  
16  
17 Q. Sacks-3 is a multiple-page document  
18 bearing Bates Juice 2901 through 2905. I am going  
19 to ask you to take a look through it and I will have  
20 some questions. The document appears to be  
21 comprised of a couple of e-mails. My questions are  
22 going to be on the first e-mail which looks like it  
23 is dated October 11th, 2010, subject; Meadowlands NJ  
24 U.S.A. from Paul Potter, Paul to Alan Sacks.  
25 A. Okay.





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1 myself to head that up. When John Dimatteo and Vito  
2 came on board it was very clear to me that John had  
3 a much better relationship, you know. This isn't  
4 about I booked everybody. This is my thing.  
5 There's a job that needs to get done. Who is the  
6 best person for that. Who has the relationship.  
7 John clearly had a better working relationship and a  
8 personal relationship with Tiesto and his manager  
9 and his tour manager. John picked up from there  
10 when he came on.  
11 Q. In order to engage Tiesto, who did you  
12 have to deal with? Who would one have to deal with?  
13 A. Paul Morris.  
14 Q. Paul Morris?  
15 A. For sure.  
16 Q. Were you involved in any discussions  
17 with Paul Morris about hiring Tiesto for this event?  
18 A. I engaged with him once about it and  
19 obviously once John came on board it made perfect  
20 sense for him to do that. John has booked him  
21 numerous times.  
22 Q. What was the extent of your  
23 involvement with Mr. Morris concerning Tiesto?  
24 A. I think it was just the initial  
25 conversation or phone call to him just talking to

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1 him about the event, where it was going to be when  
2 we were looking to do it. And that was pretty much  
3 it. I would get back to him on an off. It was very  
4 early on so we didn't have ticket scaling quite in  
5 place yet. We knew how many people we could put  
6 there but not sure exactly how much it was going to  
7 cost.  
8 It is very tricky because your ticket  
9 scaling is based on what type of artist you have and  
10 your artists wanted to know the ticket scaling. At  
11 a certain point you have to put your foot down and  
12 say this is what we are charging for general  
13 admission, the VIP, and we put the offer in. John  
14 definitely spearheaded that right away. As soon as  
15 he got on board that's the first thing he talked  
16 about.  
17 Q. Do you know whether an offer was made  
18 to Tiesto to perform?  
19 A. Yes.  
20 Q. Do you know the terms of that offer?  
21 A. Yes. I believe it was \$250,000 for  
22 the Friday or the Saturday based on -- they didn't  
23 nail a date down in particular but, you know, you  
24 put the two dates up and whichever one he is  
25 available you take that pretty much. He's the

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1 number one DJ in the world.  
2 Q. Do you know whether that offer was  
3 ever increased?  
4 A. I think there was a counter offer.  
5 That year he didn't play for us obviously. He wound  
6 up playing at Electric Zoo that following September.  
7 We lost the booking somehow or maybe he wasn't  
8 available. John kind of dealt with that at that  
9 point.  
10 Q. Do you know whether Tiesto, through  
11 Mr. Morris, rejected the offer that was made to play  
12 this Meadowlands event?  
13 A. You mean himself, the artist himself?  
14 Q. Would the artist make the rejection  
15 himself or would he operate through Mr. Morris?  
16 A. Sometimes if he knows the promoter he  
17 may say "I want to work with this guy" sometimes.  
18 Q. Do you know what happened in this --  
19 do you know what happened in this particular case?  
20 A. I believe he just wasn't available  
21 that weekend. He's the most in demand DJ in the  
22 world probably even still today, if not the first or  
23 the second most in demand.  
24 Q. Did you speak with Paul Morris about  
25 the reasons given, if any, why Tiesto did not accept

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1 the offer?  
2 A. No.  
3 Q. Did you speak with Tiesto?  
4 A. No.  
5 Q. Do you know who amongst your team did  
6 speak with Mr. Morris?  
7 A. John.  
8 Q. Did John tell you what if anything  
9 Mr. Morris told him about Tiesto's rejection of the  
10 offer?  
11 A. I think he said to me -- John's words  
12 were "It is not looking good." Immediately that  
13 says to me offer more money, see what happens then.  
14 I believe the offer did increase. I think it went  
15 up to maybe it was another \$300,000 or \$350,000.  
16 Still nothing happened. I'm assuming he just wasn't  
17 available.  
18 Q. But that's your assumption?  
19 A. It is my assumption for sure.  
20 Q. Did Mr. Dimatteo tell you anything  
21 about what Mr. Morris told him about Tiesto?  
22 A. He actually said the dates -- if I  
23 recall, he said "The dates won't work." I said to  
24 him "What about the Sunday? Maybe we can add  
25 another day on. This artist could actually do a



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1 standalone event. We were looking at the Friday and  
 2 Saturday but if this particular artist wanted to do  
 3 the Sunday we could very well just do him and maybe  
 4 one other, you know, lower caliber artist and still  
 5 sell a lot of tickets," and still nothing, not  
 6 available.  
 7 Q. Did Mr. Dimatteo tell you that the  
 8 reason Tiesto rejected the offer was due to pressure  
 9 applied by Live Nation?  
 10 A. No.  
 11 Q. Have you ever heard anybody say that?  
 12 A. Yes.  
 13 Q. Who did you hear say that?  
 14 A. Tommy and Chris.  
 15 Q. When did they say that?  
 16 A. I believe it wasn't even -- it was in  
 17 regards to Steve Angelo. It was not in regards to  
 18 Tiesto. You asked me if I ever heard anybody say  
 19 that before, yes.  
 20 Q. Yes?  
 21 A. Yes.  
 22 Q. Okay.  
 23 A. Not pertaining particularly to this  
 24 artist, but I have heard somebody say that before in  
 25 our group.

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1 Q. Let's pull back one level of focus  
 2 here. Are you aware of any instance where a  
 3 performer refused an offer to play at the  
 4 Meadowlands event because of pressure from Live  
 5 Nation?  
 6 A. No.  
 7 Q. Did Mr. Dimatteo ever tell you that an  
 8 artist to whom he had made an offer had rejected the  
 9 offer because of interference or pressure from Live  
 10 Nation?  
 11 A. John Dimatteo, no, but Vito did.  
 12 Q. We'll get to that.  
 13 A. Okay.  
 14 Q. Tell me everybody who, if any, who  
 15 have told you that offers to artists in connection  
 16 with this event were rejected because of pressure  
 17 from Live Nation.  
 18 A. Vito Bruno did. He was implying that  
 19 that was what had happened.  
 20 Q. Okay. Now I want you to identify the  
 21 artists that Mr. Bruno or anybody else was  
 22 discussing when they said that the offer had been  
 23 rejected because of interference or pressure from  
 24 Live Nation?  
 25 A. There was only one that was discussed

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1 and that was Steve Angelo.  
 2 Q. I believe you said that Mr. Dorfman  
 3 and Mr. Barrett had said that Live Nation's pressure  
 4 or interference caused artists to decline offers to  
 5 appear at this event?  
 6 A. Correct.  
 7 Q. What artists were they discussing?  
 8 A. They weren't particular. They were  
 9 just saying pretty much that all the artist were  
 10 blocked by Live Nation, no one in particular. The  
 11 only one that was mentioned, a name in particular,  
 12 was Vito Bruno.  
 13 Q. How many times did Mr. Bruno discuss  
 14 interference or pressure by Live Nation that led an  
 15 artist to decline appearing at this event?  
 16 A. What Vito said exactly was that Steve  
 17 Angelo's either agent or manager said that we could  
 18 book Steve Angelo on that date anywhere but at the  
 19 Meadowlands. That's exactly what was said. So he  
 20 could play anywhere in the state, in the tri-state,  
 21 on that date but not there.  
 22 Q. When did Mr. Bruno say this?  
 23 A. I'm not sure of the exact date but I  
 24 know it was right around the time that we had  
 25 interfaced with Steve Goodgold about Steve Angelo.

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1 What I didn't understand was there seemed to be --  
 2 one of the e-mails that I sent you there seemed to  
 3 be some good dialogue between Steve Goodgold and  
 4 John Dimatteo in regards to that booking. From my  
 5 eyes, the way I read it, it look like we were pretty  
 6 much a go. They were discussing production, staging  
 7 and lighting, you know. An agent doesn't engage  
 8 with you like that unless something is going to come  
 9 to fruition. I didn't really understand that.  
 10 Q. Who was involved in the discussion  
 11 with Mr. Bruno, where he discussed what Mr. Angelo's  
 12 agent told him?  
 13 A. I'm assuming this happened at a  
 14 meeting that I wasn't at. He mentioned someone  
 15 named Miller -- I forget the gentleman's name,  
 16 Mr. Miller from Live Nation. I guess there was a  
 17 John Dee, D-E-E and a Jason Miller. Vito had either  
 18 with Thomas or had his own. Tommy and Chris did  
 19 some meetings on his own and Vito went up to talk to  
 20 them as well.  
 21 Q. You are talking about a meeting?  
 22 A. At Live Nation.  
 23 Q. Between Vito Bruno?  
 24 A. And Jason Miller and John Dee, D-E-E.  
 25 from Live Nation.



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1 CERTIFICATE OF OFFICER

2

3

4 I, DONNA KELLS, a Certified Court  
5 Reporter and a Notary Public of the State of New  
6 Jersey, do hereby certify that prior to the  
7 commencement of the examination the witness was duly  
8 sworn by me.

9 I DO FURTHER CERTIFY that the  
10 following is a true and accurate transcript of the  
11 testimony as taken stenographically by and before me  
12 at the date, time and place aforementioned.

13 I DO FURTHER CERTIFY that I am neither  
14 a relative nor employee, nor attorney or counsel to  
15 any parties involved; that I am neither related to  
16 nor employed by any such attorney or counsel, and  
17 that I am not financially interested in the action.

18

19

20

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